

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: PAUL HRYWNAK, JR.
PAUL HRYWNAK

Debtor(s)

CHAPTER 13

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
Movant

VS.

PAUL HRYWNAK, JR.
PAUL HRYWNAK

CASE NO: 5-22-01083-MJC

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE

COMES NOW, on December 6, 2022, Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, by and through his attorney Agatha R. McHale, Esquire, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice in accordance with Section 1307(c) of 11 U.S.C., due to material default by the debtor(s) with respect to the terms of the plan

In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

Case Number: 5-17-01134-JJT
Counsel: TULLIO DeLUCA, ESQUIRE
Filing Date: 03/23/17 Date Dismissed: 07/24/17
Total Payments: \$0.00 Chapter: 13
Result: Dismissed for Failure to File Information

Case Number: 5-18-00484-RNO
Counsel: TULLIO DeLUCA, ESQUIRE
Filing Date: 02/05/18 Date Dismissed: 01/22/19
Total Payments: \$981.00 Chapter: 13
Result: Dismissed for Failure to make Plan Payments

Case Number: 5-19-04435-RNO
Counsel: J. ZAC CHRISTMAN
Filing Date: 10/11/19 Date Dismissed: 09/03/20
Total Payments: \$0.00 Chapter: 13
Result: Dismissed for Failure to make Plan Payments

Case Number: 5-22-00211-MJC
Counsel: J. ZAC CHRISTMAN
Filing Date: 02/03/2022 Date Dismissed: 04/25/22
Total Payments: \$0.00 Chapter: 13
Result: Dismissed for Failure to File Information

Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of 4 prior Chapter 13 petitions within a year period that this Court dismissed prior to completion and filed the current petition thereafter.

Notice of hearing and other instructions are included with this Motion to Dismiss with Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Dismiss this case in accordance with 11 U.S.C. Sec. 1307(c) and,
2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period of 180 days from the entry of this dismissal.

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

ID: 47613

Attorney for Movant

Jack N. Zaharopoulos, Trustee

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

Email: amchale@pamd13trustee.com

Dated: December 6, 2022

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CHAPTER 13 TRUSTEE
Movant

MOTION TO DISMISS WITH
PREJUDICE

NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss with Prejudice for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion as indicated below. For any matter not resolved you MUST attend the hearing.

HEARING:

January 5, 2023 at 10:00 AM
U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
197 S. Main Street
Wilkes Barre, PA

You MUST attend the hearing unless the matter is settled by one of the following having taken place prior to the hearing.

1. You have paid the following and have confirmed payment with Trustee Zaharopoulos's office.

**AMOUNT DELINQUENT AS OF LAST MONTH: \$ 4,000.00
AMOUNT DUE FOR THIS MONTH: \$1,000.00
TOTAL AMOUNT DUE BEFORE HEARING DATE: \$5,000.00**

NOTE:

ALL payments must be made by CERTIFIED CHECK OR MONEY ORDER. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED.

DO NOT send your payments REGISTERED, CERTIFIED, FEDERAL EXPRESS, UPS, or by any other special delivery service. Doing so will delay processing of your payment and may result in dismissal of your case.

Mail payments by U.S. First Class Mail to: JACK N. ZAHAROPOULOS, CHAPTER 13 TRUSTEE, PO BOX 6008, MEMPHIS, TN 38101-6008

2. You have entered into a valid stipulation with Trustee Zaharopoulos and that stipulation has been filed with the Court, or
3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Zaharopoulos.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL WITH PREJUDICE OF YOUR CASE.

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

ID: 47613

Attorney for Movant

Jack N. Zaharopoulos, Trustee

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA17036

Phone: (717) 566-6097

Email: info@pamd13trustee.com

Dated: December 6, 2022

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on December 6, 2022, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by 1st Class mail from Hummelstown, PA, unless served electronically.

J ZAC CHRISTMAN ESQUIRE
FISHER CHRISTMAN
556 MAIN STREET, SUITE 12
STROUDSBURG, PA 18360-

Served electronically

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

Served electronically

PAUL HRYWNAK, JR.
14 O'HARA ROAD
MOSCOW, PA 18444

Served by 1ST class mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: December 6, 2022

/s/ Matt Arcuri

Office of the Standing Chapter 13 Trustee
Jack N. Zaharopoulos, Trustee
8125 Adams Dr, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: info@pamd13trustee.com

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MOTION TO DISMISS WITH PREJUDICE

Respondent(s)

ORDER DISMISSING CASE WITH PREJUDICE

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby BARRED from filing in this district for a period of 180 days from the date of this order without prior court order.